IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

P.I.L. NO. 72 OF 2006

Dhulappa Sanganbassappa Bake & Anr. ... Petitioners

V/s.

The Joint Director of Census Operations & Ors. ... Respondents.

Mr. S.G. Kudle for the Petitioners

Mr. P.P. Kakade, Assistant Government Pleader, for the Respondents.

CORAM: KSHITIJ R. VYAS, C.J., & ABHAY S. OKA, J.
DATE: JUNE 14, 2006.

P.C.:-

1. The petitioners, by filing this P.I.L., sought a direction from this Court directing the respondents to show the correct population of SC/ST of Village Hilli, Taluka Akkalkot, in the Census of 2001 for the purpose of determining the exact population in the light of subsequent Report submitted by the Circle Officer, Jeur, Taluka Akkalkot.

2. According to the petitioners, while carrying out Census for Village Hilli, the population of SC/ST is wrongly shown, thereby inflating the figure, and in the result, the representation of the said class was not in proportion to their population; and accordingly out of 9 seats, 4 seats have been declared from the SC Category even though not a single seat can be reserved for the said category on account of not having population of SC/ST beyond 100 and in the result, the persons from the open category have been permanently precluded from participating in the day-to-day affairs of Village Panchayat Hilli on account of having denied them the representation and the Report in respect of exact population of SC/ST was not placed in the earlier petition filed by the ex-Sarpanch. Learned counsel for the petitioners submitted that the issue involved in the present petition has wide ramification, and moreover, the interest of large number of persons is involved. Hence, it will be in the fitness of things to show the correct figure of SC/ST population in Census 2001 as far as Village Hilli is concerned.

3. Having heard learned counsel appearing for the petitioners, it clearly appears to us that the petitioners are trying in vain to challenge Census 2001; and on that basis, to get the seats of

SC/ST Category fixed. In our opinion, this P.I.L. requires to be dismissed on account of delay and laches, inasmuch as Census 2001 cannot be challenged in 2006. In fact, in the event of allowing this P.I.L., the Census, which took place in 2001, may be disturbed.

4. Thus, in the over all view of the matter, there is no reason to allow this P.I.L. Hence, this P.I.L. Is summarily dismissed.

CHIEF JUSTICE

ABHAY S. OKA, J.